

## MEMORANDUM

TO: Mayor Pro Tem Craig Brown and Members of Council

CC: City Manager Office, Executive Leadership Team, City Attorney Office

FROM: Sally Bakko, Director of Policy and Governmental Relations

DATE: November 18, 2020

RE: State Pre-Filed Legislation Highlights Report, as of November 13, 2020

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The following bills that may be of interest to the City of Galveston were filed as of November 13, 2020, for the 87<sup>th</sup> Texas Legislature.

### **PROPERTY TAX**

**H.B. 96 (Toth) – Appraisal Cap:** would, among other things: (1) provide that the appraised value of residence homestead for a tax year is equal to the market value of the property for the first tax year that the owner qualified the property for a homestead exemption; and (2) require an owner of property to apply for the appraisal cap under (1), above, using an application form prescribed by the comptroller that includes, among other information, the purchase price of the property paid by the applicant. (**H.J.R. 8**, corresponding constitutional amendment resolution)

**H.B. 122 (Bernal) – Property Tax Exemption:** would provide that a qualifying caregiver is entitled to a property tax exemption of the total appraised value of the qualifying caregiver's residence homestead for the period during which the qualifying individual for whom the qualifying caregiver provides care is on an interest list for long-term services and supports under the Medicaid program. (**H.J.R. 14**, corresponding constitutional amendment resolution.)

**H.B. 203 (Bernal) – Sales Price Disclosure:** would require the comptroller to conduct a study of the impact, feasibility, and advisability of adopting a property tax system in which the disclosure of the sales price of real property is required by law.

**S.B. 63 (Nelson) – Appraisal Process:** would make several changes to the property tax appraisal process, including: (1) imposing term limits on appraisal district board of directors members; (2) prohibiting certain former employees of an appraisal district from later serving on an appraisal district board of directors; (3) prohibiting certain former members of the appraisal review board from serving as an employee of the appraisal district; (4) imposing a 90-day time limit on various determinations that a chief appraiser can make on certain exemptions and other appraisal applications; and (5) limiting the ability of a chief appraiser to offer evidence at certain protest and appraisal hearings in support of modifying or denying an application.

### **SALES TAX**

**H.B. 89 (Canales) – Sales Tax Exemption:** would exempt the following from sales and use taxes as "emergency preparation items": (1) medical or other face masks used to protect the nose and mouth of a person wearing the mask from potential contaminants, or from transmission of particles from the person wearing the mask; (2) disposable gloves the primary purpose of which is to act as a protective barrier to

prevent the possible transmission of disease; and (3) disinfectant cleaning supplies, including bleach products and sanitizing wipes.

### **TEXAS WINDSTORM INSURANCE ASSOCIATION (TWIA)**

**H.B. 429 (Ken King) –Tornado and Wildfire Coverage:** expands TWIA insurance coverage statewide for losses resulting from tornados and wildfires. Commissioner may designate any area of this state as a catastrophe area with respect to tornado insurance and wildfire insurance.

**H.B. 477 (Deshotel) Casino gaming in certain coastal areas:** would authorize certain forms of gambling in coastal areas and provide that a portion of a gaming tax on the casinos be used to fund a catastrophic flooding assistance program and the Texas Windstorm Insurance Association.

### **EMERGENCY MANAGEMENT**

**H.B. 26 (Swanson) – Weapons:** would eliminate the governor’s authority to: (1) limit the sale, dispensing, or transportation of firearms during a state of disaster; and (2) issue directives on the control of the sale, transportation, and use of weapons during a state of emergency.

**H.B. 173 (Springer) – Emergency Powers Board:** would: (1) establish the Emergency Powers Board to provide oversight during a declared state of disaster, including a declared public health disaster; (2) provide that the Board is made up of the governor, lieutenant governor, the speaker of the house, the chair of the Senate State Affairs Committee; and the chair of the House State Affairs Committee; (3) provide that after the eighth day after the date the governor issues an executive order, proclamation, or regulation related to a declared state of disaster or public health disaster, the Board, by a majority vote, may set an expiration date for the order, proclamation, or regulation; (4) the board may meet by telephone conference, videoconference, or other similar telecommunication method provided that the requirements of the Open Meetings Act are met; and (5) if an executive order, proclamation, or regulation issued by the governor has an expiration date set by the governor and not modified by the Board that is on or after the 22nd day after the date the order, proclamation, or regulation is issued, the governor shall convene a special legislative session to determine whether any legislation is necessary to implement, modify, or repeal the order, proclamation, or regulation.

**H.J.R. 15 (Springer) – Emergency Special Session:** would provide that: (1) the governor shall convene a special session of the legislature: (a) if a state of disaster or emergency declared by the governor continues for more than 21 days; or (b) on receipt of a petition from any member of the legislature requesting legislative review of a declared state of disaster or emergency if the petition is signed by at least two-thirds of the members of the house of representatives and at least two-thirds of the members of the senate; (2) in such convened special session, the Legislature may: (a) review an order, proclamation, or other instrument issued by the governor during the 90 days before the special session begins declaring a state of disaster or emergency or in response to an emergency declared by any federal, state, or local official or entity; (b) terminate or modify an order, proclamation, or other instrument described in (2)(a), above, by passage of a resolution approved by a majority voted of the members of the members present in each house of the legislature; (c) respond to the state of disaster or emergency, including by passing laws and resolutions related to the state of disaster or emergency; and (d) consider any other subjects stated in the governor’s proclamation convening the legislature.

### **PUBLIC SAFETY**

**H.B. 71 (J. Johnson) – Motor Vehicle Search:** would provide that: (1) a peace officer is prohibited from searching a motor vehicle that is stopped for a traffic violation unless the peace officer: (a) has

probable cause; (b) obtains written consent from the vehicle's operator on a specific form; (c) obtains oral consent from the vehicle's operator that is evidenced by an audio and video recording on a body worn camera; or (d) has reasonable and articulable fear that the vehicle's operator and/or passengers pose a threat to the safety of the peace officer or another person; and (2) the Texas Commission of Law Enforcement shall promulgate rules related to the required written consent form and audio and video recording.

**H.B. 88 (Thompson) – Police Reform:** this bill, known as the “*George Floyd Act*,” would make numerous changes related to interactions between peace officers and individuals detained or arrested on the suspicion of the commission of crimes, peace officer liability for those interactions, and the disciplinary of peace officers in certain cities. (Companion bill is **SB 161** by **West**) The bill provides:

**1. Officer Liability:**

- a. actions may be brought within two years of the cause of action where a peace officer deprived a person or caused the person to be deprived of any rights under the Texas Constitution;
- b. statutory immunity or a limitation on liability, damages, or attorney's fees does not apply to the action described in (1)(a), above; reasonable attorney's fees and court costs shall be awarded to a prevailing plaintiff; and if judgment is entered in favor of the defendant, the court may award reasonable attorney's fees and costs to the defendant for court-determined frivolous claims;
- c. qualified immunity or the defendant's good faith but erroneous belief in the lawfulness of the defendant's conduct is not a defense to an action brought under (1)(a), above; and
- d. a public entity, including a city, must indemnify a peace officer employed by the entity for liability incurred by and a judgement imposed against the officer in an action brought under (1)(a), above, except when the peace officer was convicted for the conduct that is the basis for the action;

**2. Duties and Powers of a Peace Officer:**

- a. a peace officer has the discretion on whether or not, if authorized, to:
  - i. interfere without a warrant to prevent or suppress a crime; or
  - ii. arrest offenders without warrant to be taken before the proper magistrate or court and be tried;
- b. a peace officer shall:
  - i. identify as a peace officer before taking any action within the course and scope of the officer's official duties unless the identification would render the action impracticable;
  - ii. intervene if the use of force by another peace officer:
    - 1. violates state or federal law or a policy of any entity service by the other officer;
    - 2. puts any person at risk of bodily injury, unless the officer reasonably believes that the other officer's use of force is immediately necessary to avoid imminent harm to a peace officer or other person; or
    - 3. is not required to apprehend or complete the apprehension of a suspect; and
    - 4. shall provide aid immediately to any person who needs medical attention, including a person who needs medical attention as a result of the use of force by a peace officer;
- c. a defendant may not be convicted of an offense related to controlled substances on the testimony of person acting covertly on behalf of a law enforcement agency unless the testimony is corroborated by evidence tending to connect the defendant with the offense committed;

**3. Issuing citations in lieu of arrest for misdemeanor offenses:**

- a. In consultation with law enforcement agencies, Texas Southern University shall publish a model policy on issuing citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, and includes police officer procedures for requesting identification to verify the person's identity and issue a citation to the person;
- b. law enforcement agencies shall adopt written policies on issuing citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, provided that such policy meets the requirements of the model policy described in (3)(a), above;
- c. law enforcement agencies may adopt the model policy developed under (3)(a), above;

- d. with the exception of certain assault offenses and for the offense of public intoxication, a peace officer or any other person may not, without a warrant, arrest an offender for a misdemeanor punishable by fine only or arrest a person who commits one or more offenses punishable by fine only;
- e. peace officers shall issue a citation to a person, including a child, charged with committing an offense that is a misdemeanor punishable by fine only, other than public intoxication, in lieu of appearing before a magistrate;
- f. peace officers may issue citations persons, including a child, charged with committing certain assault offenses that are a misdemeanor, punishable by fine only, instead of taking the person before a magistrate;
- g. peace officers may not arrest, without warrant, a person found only committing one or more traffic-related misdemeanors that are punishable by fine only, and in such instances shall issue a written notice to appear before a magistrate;

**4. De-escalation and proportionate response:**

- a. law enforcement agencies shall adopt written policies on the use of force by peace officers that must:
  - i. emphasize the use of force in a manner proportionate to the threat posed and the seriousness of the alleged offense;
  - ii. mandate that deadly force is only to be used by peace officers as a last resort; and
  - iii. affirm the sanctity of human life and the importance of treating all persons with dignity and respect;
- b. law enforcement agencies may adopt the model policy on use of force developed by the Texas Commission on Law Enforcement and described in (6)(a), below;

**5. Disciplinary procedures in certain cities:**

- a. a civil service commission must implement a progressive disciplinary matrix for infractions committed by police officers that consists of a range of progressive disciplinary actions applied in a standardized way based on the nature of the infraction and the officer's prior conduct record, and such matrix must include:
  - i. standards for disciplinary actions related to use of force against another person, including the failure to de-escalate force incidents in accordance with departmental policy;
  - ii. standards for evaluating the level of discipline appropriate for uncommon infractions; and
  - iii. presumptive actions to be taken for each type of infraction and any adjustment to be made based on a police officer's previous disciplinary action;
- b. certain cities, not subject to civil service rules or collective bargaining, with meet and confer agreements shall implement a disciplinary matrix as described in (5)(a), above, for its police officers, and that such agreement may not conflict or supersede a rule concerning the disciplinary actions that may be imposed under the disciplinary matrix;
- c. a hearing examiner in a city subject to civil service rules must presume a disciplinary action applied to a police officer under a disciplinary matrix is reasonable unless the facts indicate that the department inappropriately applied a category of offense to the particular violation; and
- d. cities, not subject to civil service rules, with adopted collective bargaining agreements shall implement a progressive disciplinary matrix as described in (5)(a), above, for its police officers, and that such agreement may not conflict with an ordinance, order, statute, or rule related to disciplinary actions that may be imposed on its police officers under a disciplinary matrix implemented by the city;

**6. Use of force:**

- a. Texas Commission on Law Enforcement shall develop a use of force model policy and associated training;
- b. instances when a person, including a peace officer and a person in the presence of and at the direction of a peace officer, may be justified in using nonlethal force in connection with making or assisting in making an arrest or search, or preventing or assisting in preventing escape after an arrest,

- c. instances when a peace officer or a person in the presence of and at the direction of a peace officer may be justified in using deadly force in connection to making an arrest or preventing escape after an arrest;
- d. the use of force against a person in connection with making or assisting in making an arrest or search, or preventing or assisting in preventing an escape after an arrest, is not justified if the force is used in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth; and
- e. repeal the Penal Code provision that provides that a peace officer or a person other than a peace officer acting in the officer's presence and direction has no duty to retreat before using deadly force in connection with making an arrest or preventing escape after arrest.

**H.B. 101 (Toth) – Immigration Detainers:** would provide that a city that releases from custody a person who is the subject of an immigration detainer request issued by United State Immigration and Customs Enforcement is liable for damages resulting from a felony committed by the person in Texas within 10 years following the person's release if: (1) the city did not retain the person as requested; (2) the person was not a citizen at the time of release; and (3) the attorney general has filed a petition or applied for equitable relief against the city.

**H.B. 103 (Landgraf) – Active Shooter Alert System:** would require the Texas Department of Public Safety to establish the Texas Active Shooter Alert System and allow local law enforcement agencies to request activation of the system when certain criteria are met.

**H.B. 127 (Ortega) – Firearms:** would, with certain exceptions, make it an offense for a person to intentionally, knowingly, or recklessly carry on or about his person a firearm, other than a handgun, at any time in which the firearm is in plain view.

**H.B. 167 (Ortega) – Common Nuisance:** would authorize a court to issue a temporary restraining order in a suit to abate certain common nuisances.

**H.B. 170 (Ortega) – Alcoholic Beverages:** would provide that the prohibition on the consumption of alcoholic beverages in a public place during certain hours applies to all public places, regardless of whether it is a licensed or permitted premises.

**H.B. 175 (Thierry) – Arrest Without Warrant:** would eliminate a Penal Code provision that provides that a peace officer or any other person may arrest, without a warrant, an offender who commits a felony or offense against the public peace when the offense is committed in the presence or view of the officer or person.

**H.B. 182 (Bernal) – Immigration Enforcement:** would repeal certain provisions governing state and local enforcement of immigration laws and other provisions related to immigration law, such as the requirement that a law enforcement agency honor a detainer request.

**H.B. 196 (Meza) – Stand Your Ground:** amends current law to provide that: 1) a person is not justified in using deadly force against another individual: a) if the person is able to safely retreat, unless the person is in his or her own habitation; or b) to prevent the individual's imminent commission of robbery or aggravated robbery.

**H.B. 238 (Meza) – Firearm Regulation:** eliminates language that would prohibit municipal or county regulation of firearms and ammunition.

**H.B. 274 (Meza) – Cite and Release Policies:** requires state and local law enforcement agencies to adopt written policies regarding the issuance of citation for misdemeanor offenses, including traffic offenses, that are punishable by fine only. Policies should include procedures for peace officers requesting appropriate identification and issuing a citation. Prohibits a peace officer, without a warrant, from arresting an offender who commits one or more offenses punishable by fine only, other than threatening or committing assault or public intoxication, unless the officer has probable cause to believe: 1) failure to arrest the offender creates clear and immediate danger to the offender or the public; 2) failure to arrest will allow a continued breach of the public peace; or 3) the offender will not appear in court in accordance with the citation.

**H.B. 313 (Collier) – Certification of special officers for offenders with mental impairments:** adds special peace officer training certification programs on acquired and traumatic brain injuries, veterans with post traumatic stress, related disorders and brain injuries; and recognizing persons with characteristics and symptoms of an intellectual or developmental disability.

**H.B. 323 (P. King) – TPCA Law Enforcement Best Practices Accreditation Grant Program:** authorizes the Governor's Criminal Justice Division to establish a Law Enforcement Accreditation Grant Program to provide financial assistance to law enforcement agencies (not to exceed \$50,000) for the purposes of obtaining and maintaining: 1) recognition through the Texas Police Chiefs Association (TPLA) Law Enforcement Recognition Program; accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc. or accreditation by the Criminal Justice Division in consultation with the Texas Commission on Law Enforcement.

**H.B. 561 (Israel) – Juvenile curfews:** except for purposes of emergency management allowed under state law, prohibits political subdivisions from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate movements or actions of persons younger than 18 years of age.

**H.B. 562 (Meza) – De-escalation and proportionate response:** requires state and local law enforcement agencies to adopt, no later than January 1, 2022, to adopt detailed written policies regarding use of force by peace officers that emphasize the de-escalation techniques and authorizes force to be used by officers only after de-escalation attempts have failed.

**H.B. 563 (Meza) – Use of Excessive Force Policies:** requires state and local law enforcement agencies to adopt, no later than January 1, 2022, detailed written policies requiring peace officers to intervene to stop or prevent another peace officer from committing an offense or using excessive force against a person if an ordinary, prudent peace officer would intervene under same or similar circumstances.

**S.B. 72 (Miles) – Discharge of Firearms Policy:** would provide that: (1) a law enforcement agency, including an agency of a political subdivision authorized by law to employ police officers, shall adopt a policy regarding the discharge of a firearm by a peace officer at or in the direction of a moving vehicle; and (2) such policy must prohibit a peace officer from discharging a firearm at or in the direction of a moving vehicle unless the peace officer discharges the firearm only when and to the degree the officer reasonably believes is immediately necessary to protect the officer or another person from the use of unlawful deadly force by an occupant of the vehicle by means other than by using the moving vehicle to strike any person. (Companion bill is **H.B. 95** by **Meza**.)

**S.B. 64 (Nelson) – Mental Health Programs:** would require: (1) the executive commissioner of the Health and Human Services Commission to develop a mental health intervention program for peace officers that includes, among other things, peer-to-peer counseling, access to licensed mental health professionals, training, including suicide prevention training, technical assistance, and coordination

of mental health first aid for law enforcement officers and their immediate family members; and (2) require the commission submit an annual report to the governor and legislature that includes the number of peace officers who received services through the program, the number of peers and peer service coordinators trained, an evaluation of the services provided, and any recommendations for program improvements.

**S.B. 65 (Miles) – Official Oppression:** would make the offense of official oppression a second-degree felony if the public servant, at the time of the offense, is a licensed peace officer and: (1) causes bodily injury to another or threatens another with imminent bodily injury; and (2) while engaging in the conduct described in (1), causes serious bodily injury to another, or uses or exhibits a deadly weapon.

**S.B. 66 (Miles) – Retention and Disclosure of Police Complaints:** would, among other things, provide that: (1) a complaint that alleges conduct by a peace officer employed by a municipality that constitutes official oppression by the police officer must be retained on file by the city for at least five years after the officer's employment with the city ends; (2) an abstract of the complaint described in (1), above, must be created and retained indefinitely once the original complaint is destroyed; and (3) such complaint is not excepted from disclosure under a discretionary exception or the law enforcement exception of the Public Information Act.

**S.B. 68 (Miles) – Excessive Force Reporting:** would provide that: (1) a peace officer has a duty to intervene to stop or prevent another peace officer from using excessive force against a person suspected of committing an offense if an ordinary, prudent peace officer would intervene under the same or similar circumstances; and (2) a peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report and the supervisor of the peace officer who used the excessive force. **S.B. 69 (Miles) – Prohibiting Chokeholds:** would provide that the use of any force, by any person, including a peace officer or person acting in and the direction of an officer, in connection with the arrest of another person, is not a justified use of force if such force is used in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat, neck, or torso or by blocking the person's nose or mouth. (This bill is identical to **H.B. 346** and **H.B. 418** by **Rose** and **Sherman**, respectively.)

**S.B. 69 (Miles) – Prohibiting Chokeholds:** would provide that the use of any force, by any person, including a peace officer or person acting in and the direction of an officer, in connection with the arrest of another person, is not a justified use of force if such force is used in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat, neck, or torso or by blocking the person's nose or mouth. (This bill is very similar to **H.B. 268** by **Meza** and is identical to **H.B. 346** and **H.B. 418** by **Rose** and **Sherman**, respectively.)

**S.B. 70 (Miles) – Use of Force Reporting:** would provide that: (1) a law enforcement agency, including an agency of a political subdivision, authorized by law to employ peace officers shall require each police officer employed by the agency to submit a detailed report to the agency regarding each incident in which the officer uses force, or witnesses another officer use force, against a person suspected of committing an offense; and (2) the report described in (1), above, must include: (a) a description of the force used by the peace officer; (b) an explanation as to why the degree of force used was necessary; and (c) if applicable, a description of any attempt that was made by the officer to de-escalate the situation before the force was used.

**S.B. 71 (Miles) – Use of Force Policy:** would provide that: (1) no later than January 1, 2022, a law enforcement agency, including an agency of a political subdivision authorized by law to employ police officers, shall adopt a detailed written policy regarding the use of force by police officers; and (2) such policy must provide peace officers employed by the agency with explicit guidelines for the use of force that ensure that force will only be used against a person in a manner proportionate to the threat posed by the person.

**S.B. 72 (Miles) – Discharge of Firearms Policy:** would provide that: (1) a law enforcement agency, including an agency of a political subdivision authorized by law to employ police officers, shall adopt a policy regarding the discharge of a firearm by a peace officer at or in the direction of a moving vehicle; and (2) such policy must prohibit a peace officer from discharging a firearm at or in the direction of a moving vehicle unless the peace officer discharges the firearm only when and to the degree the officer reasonably believes is immediately necessary to protect the officer or another person from the use of unlawful deadly force by an occupant of the vehicle by means other than by using the moving vehicle to strike any person. (Companion bill is H.B. 95 by Meza.)

### **PURCHASING**

**H.B. 258 (Bernal) – Internet Service Contracts:** sets requirements for contracts with providers; defines “reasonable network management practice”

**S.B. 58 (Zaffirini) – Cloud Computing Services:** would add cloud computing services to the definition of the term “personal property” for purposes of the Public Property Finance Act.

**S.B. 59 (Zaffirini) – Comptroller Purchasing Program:** would authorize the comptroller to advertise its state purchasing program for local governments in any available media or otherwise promote the purchasing program.

### **OTHER FINANCE AND ADMINISTRATION**

**H.B. 29 (Swanson) – Temporary Weapon Storage:** would authorize several methods to temporarily store firearms and certain other weapons for a person who enters a building used by a political subdivision in which carrying the weapon is prohibited by law or the political subdivision.

**H.B. 35 (Swanson) – Local Debt:** would, among other things: (1) provide that an election held by a political subdivision to authorize the issuance of bonds or a tax increase has no effect regarding the issuance of the bonds or the tax increase unless more than 25 percent of the registered voters of the political subdivision vote in the election; (2) require an election for the issuance of bonds or a tax increase by a political subdivision to be held on the November uniform election date, except for an automatic election to approve a tax rate; (3) provide that in an election held by a political subdivision for which the ballot includes a proposition seeking voter approval of the issuance of bonds or a tax increase, a temporary branch polling place must: (a) remain at the same location for the entire period during which early voting by personal appearance is conducted in the district; and (b) allow for early voting by personal appearance to be conducted during the same days and hours as voting is conducted at the main early voting polling place; (4) require an election authorizing the issuance of bonds or a tax increase by a political subdivision to be held as a joint election, and provide that a single ballot containing all the offices or propositions stating measures to be voted on at a particular polling place must be used in a joint election; (5) require a political subdivision to hold an election prior to issuing all bonds, including revenue bonds; and (6) provide that refunding bonds and bonds issued in an



amount less than \$2,000 to repair a building or structure that may be built using the proceeds of bonds are subject to the election and notice requirements applicable to other bond issuances.

**S.B. 61 (Zaffirini) – Unfunded Mandates:** would establish an unfunded mandate interagency workgroup and require the group to, among other things, publish an advisory list of mandates for which the legislature has not provided reimbursement following each regular or special session of the legislature.

**H.J.R. 32 (Shine) – Unfunded mandates:** proposes a constitutional amendment to restrict the power of the legislature to mandate requirements on a municipality or county unless the legislature appropriates funds for the payment or reimbursement of costs incurred by the municipality or county for compliance with the requirement.

## **ELECTIONS**

**H.B. 22 (Swanson) – Polling Place Parking:** would require: (1) that a polling place have two parking spaces reserved for the use of a voter who is unable to enter the polling place without personal assistance or likelihood of injuring the voter's health; and (2) that each parking space must be clearly marked with a sign indicating that the space is reserved for use by a voter who is unable to enter the polling place and displaying, in large font, a telephone number that a voter may call to request assistance from an election official at the polling place.

## **MUNICIPAL COURTS**

**H.B. 80 (J. Johnson) – Municipal Court:** would provide, when fines and costs are being imposed on a defendant under the conservatorship of the Department of Family and Protective Services or in extended foster care, that a municipal judge: (1) may not require a defendant to pay any amount of fines and costs; and (2) shall require the defendant to perform community services to discharge fines and costs if the fines and costs are not waived.

## **COMMUNITY AND ECONOMIC DEVELOPMENT**

**H.B. 84 (Hinojosa) – Home and Residential Lot Sales Price:** would repeal the provision in current state law that prohibits a city from adopting a requirement that establishes a maximum sales price for a privately produced housing unit or residential building lot.

**H.B. 128 (Landgraf) – Economic Development Corporations:** would: (1) expand the definition of "primary job" for purposes of Type A and Type B EDC projects to include certain health care and mental health care facilities; and (2) expand the scope of projects related to the creation or retention of primary jobs to include facilities for the provision of health care or mental health care to the public.

**H.B. 206 (Bernal) – Payday and Auto Title Lending:** would provide for the statewide regulation of payday and auto title lenders. Of primary importance for cities, the bill would: (1) provide that a municipal ordinance regulating credit access businesses is not preempted by state law; and (2) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls. Additionally, the bill would, among other things: (1) require the contract and other documents provided by a credit access business to be written wholly in English or the language in which the contract is negotiated, and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (2) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (3)

provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (4) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (5) require a credit access business to require certain types of documentation to establish a consumer's income for purposes of extending credit; (6) provide specific limitations on the structure of single-payment and multiple-payment payday and auto title loans; (7) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all requirements applicable to the original loan; and (8) require a credit access business to maintain a complete set of records of all loans and retain the records until the third anniversary of the date of the loan.

## **PLANNING, PERMITTING, AND DEVELOPMENT**

**H.B. 67 (Toth) – Restrictive Covenants:** would prevent a property owners' association from enforcing a restrictive covenant prohibiting a property owner from installing a swimming pool enclosure that conforms to applicable state or local requirements.

**H.B. 292 (Murr) – Voluntary Certification of Recovery Housing; municipal or county regulation:** provides for the voluntary state certification provided through credentialed organizations approved by the Health and Human Services Commission for recovery housing providing a shared living environment and services for persons with substance abuse disorders. Prohibits a municipality or county from adopting or enforcing an ordinance, order, or other regulation that prevents a recovery house from operating in a residential community. (Similar bill **H.B. 544** by **Minjarez**)

**S.B. 46 (Zaffirini) – Homelessness:** would provide that: (1) a city zoning or land use ordinance may not prohibit a religious organization from using the organization's facility as housing for homeless individuals, or from having housing units for the homeless on the organization's property; and (2) a city may adopt or enforce an ordinance that imposes reasonable health and safety regulations on housing for homeless individuals provided on a religious organization's property, including requirements that the organization provide electricity and heat for each housing unit, and at least one kitchen and bathroom on the property.

## **PERSONNEL**

**H.B. 21 (Neave) – Sexual Harassment:** would expand the deadline by which an employee must file a complaint alleging sexual harassment with the Texas Workforce Commission from not later than the 180<sup>th</sup> day of the date the unlawful employment practice occurred to not later than the 300<sup>th</sup> day after the date the alleged sexual harassment occurred.

**H.B. 34 (Canales) – Disease Presumption:** would, among other things, add a diagnosis of SARS-CoV-2 or COVID-19 by a test approved by the CDC to the workers' compensation disease presumption statute.

**H.B. 60 (Reynolds) – Minimum Wage:** would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

**H.B. 48 (Zwiener) – Sexual Harassment:** would provide that an employer, including a city or a person who acts directly in the interests of an employer in relation to an employee, commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors: (1) know or should have known that the conduct constituting sexual harassment

was occurring; and (2) fail to take immediate and appropriate corrective action. (Companion bill is **S.B. 45** by **Zaffirini**.)

**H.B. 541 (Patterson) – COVID-19 Disease Presumption:** provides that a public safety employee (police, fire fighter, emergency medical services employee) who suffers from COVID-19 resulting in disability or death is presumed to have contracted the disease during the course and scope of employment as a public safety employee.

## **TRANSPORTATION**

**H.B. 545 (Ed Thompson) – Municipal annexation authority and state highway system:** allows a municipality by ordinance to annex, under procedures set in state law, a portion of the state highway system or the right-of-way of a portion of the state highway system if the municipality receives consent for the annexation from the Texas Department of Transportation.

## **UTILITIES AND ENVIRONMENT**

**H.B. 176 (Zwiener) – Plastic Bag Regulation:** would delete the provision in the Texas Health and Safety Code that the Texas Supreme Court held preempts city plastic bag regulations.